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1972/11/25

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VIA BUNKER CHANNELS

FROM: HENRY A. KISSINGER

TO : AMBASSADOR BUNKER, SAIGON

CITE: WHS2256

DELIVER OPENING OF BUSINESS

1. THANK YOU FOR YOU SAIGON 0279. FOLLOWING ARE THE CHANGES AGREED UPON WITH THE DRV SO FAR IN THE DRAFT AGREEMENT, AS YOU REQUESTED:

WARM REGARDS.

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E.O. 12958 Sec. 3.6
MR 95-102, #37; NSCLetter 4/8/97
By LLT NARA, Date 5/6/97

-- ARTICLE 1 NOW BEGINS "ALL COUNTRIES SHALL RESPECT" INSTEAD OF "THE UNITED STATES RESPECTS."

-- IN ARTICLE 2, INDOCHINA TIME IS DROPPED.

-- IN ARTICLE 7, PARAGRAPH 2, THE PHRASE "WORN OUT OR DAMAGED" IS NOW EXPANDED INTO "DESTROYED, DAMAGED, WORN OUT OR USED UP."

-- NOTE: ARTICLE 9, FOR STYLISTIC REASONS, HAS BEEN BROKEN UP INTO SIX SEPARATE ARTICLES, ARTICLES 9 THROUGH 14. SUBJSEQUENT ARTICLES IN THE TEXT ARE RENUMBERED ACCORDINGLY. ARTICLE 9 (C) BECOMES ARTICLE 10. ARTICLE 9 (E) BECOMES ARTICLE 11. ARTICLE 9 (F) AND (G) BECOME ARTICLE 12 (A) AND (B). ARTICLE 9 (H) BECOMES ARTICLE 13. ARTICLE 9 (I) BECOMES ARTICLE 14. ARTICLE 10 BECOMES ARTICLE 15, AND SO ON.

-- OLD ARTICLE 9 (D), WHICH IS NOW ARTICLE 9 (C), HAS BEEN REWRITTEN IN TOTO AS FOLLOWS: "FOREIGN COUNTRIES SHALL NOT IMPOSE ANY POLITICAL TENDENCY OR PERSONALITY ON THE SOUTH VIETNAMESE PEOPLE."

-- ARTICLE 12 (B) (FORMERLY ARTICLE 9 (G)): THE PHRASES "MAINTENANCE OF THE CEASEFIRE, PRESERVATION OF PEACE," ARE DROPPED.

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-- IN ARTICLE 14 (FORMERLY 9 (I)), THE SECOND SENTENCE ("IT WILL RESPECT...IN MILITARY PERSONNEL ON ITS TERRITORY.") IS DROPPED. THE SENTENCE FOLLOWING IS REWRITTEN AS FOLLOWS: "IT WILL BE PREPARED TO MAINTAIN RELATIONS WITH ALL COUNTRIES IRRESPECTIVE OF THEIR POLITICAL OR SOCIAL SYSTEMS ON THE BASIS OF MUTUAL RESPECT FOR SOVEREIGNTY AND INDEPENDENCE AND ACCEPT ECONOMIC AND TECHNICAL AID FROM ANY COUNTRY WITH NO POLITICAL CONDITIONS ATTACHED."

-- ARTICLE 15 (FORMERLY ARTICLE 10) IS REARRANGED AND REWRITTEN AS FOLLOWS:

ARTICLE 15 - THE REUNIFICATION OF VIETNAM SHALL BE CARRIED OUT STEP BY STEP THROUGH PEACEFUL MEANS ON THE BASIS OF DISCUSSIONS AND AGREEMENTS BETWEEN NORTH AND SOUTH VIETNAM, WITHOUT COERCION OR ANNEXATION BY EITHER PARTY, AND WITHOUT FOREIGN INTERFERENCE. THE TIME FOR REUNIFICATION WILL BE AGREED UPON BY NORTH AND SOUTH VIETNAM.

PENDING REUNIFICATION

THE MILITARY DEMARCATION LINE BETWEEN THE TWO ZONES AT THE 17TH PARALLEL IS ONLY PROVISIONAL AND NOT A POLITICAL OR TERRITORIAL BOUNDARY AS PROVIDED IN PARAGRAPH 6 OF THE FINAL DECLARATION OF THE 1954 GENEVA CONFERENCE.

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SOUTH AND NORTH VIETNAM SHALL RESPECT THE DEMILITARIZED ZONE ON EITHER SIDE OF THE PROVISIONAL MILITARY DEMARCATION LINE.

SOUTH AND NORTH VIETNAM SHALL PROMPTLY START NEGOTIATIONS TOWARD THE REESTABLISHMENT OF NORMAL RELATIONS IN VARIOUS FIELDS;

SOUTH AND NORTH VIETNAM SHALL NOT JOIN ANY MILITARY ALLIANCE OR MILITARY BLOC AND SHALL NOT ALLOW FOREIGN POWERS TO MAINTAIN MILITARY BASES, TROOPS, MILITARY ADVISERS, AND MILITARY PERSONNEL ON THEIR RESPECTIVE TERRITORIES, AS STIPULATED IN THE 1954 GENEVA AGREEMENTS ON VIETNAM.

-- ARTICLE 16 (A) (FORMERLY ARTICLE 11 (A)) NOW BEGINS "THE PARTIES PARTICIPATING IN THE PARIS CONFERENCE ON VIETNAM SHALL IMMEDIATELY DESIGNATE," ETC. INSTEAD OF LISTING THE FOUR GOVERNMENTS.

-- ARTICLE 18 (B) (C) AND (H) (FORMERLY 13 (B) (C) AND (H)), THE WORD "GUARANTEE" IS NOW DELETED FROM THE PHRASE "INTERNATIONAL GUARANTEE CONFERENCE".

-- ARTICLE 18 (E) (FORMERLY 13 (E)), NOW ENDS, "THE PRINCIPLE OF RESPECT FOR THE SOVEREIGNTY OF SOUTH VIETNAM."

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-- ARTICLE 18 (H) (FORMERLY 13 (H)), SECOND SENTENCE, NOW READS, "THE RELATIONSHIP BETWEEN THE INTERNATIONAL COMMISSION AND THE INTERNATIONAL CONFERENCE PROVIDED FOR IN ARTICLE 19 WILL BE AGREED UPON, ETC."

-- ARTICLE 19 (FORMERLY ARTICLE 14), SECOND PARAGRAPH, NOW BEGINS, "THE U.S. AND THE DRV, ON BEHALF OF THE PARTIES PARTICIPATING IN THE PARIS CONFERENCE ON VIETNAM, WILL PROPOSE, ETC."

-- ARTICLE 20 (A) (FORMERLY 15 (A)) NOW READS IN TOTO AS FOLLOWS: "THE PARTIES PARTICIPATING IN THE PARIS CONFERENCE ON VIETNAM SHALL STRICTLY RESPECT THEIR OBLIGATIONS UNDER THE 1954 GENEVA AGREEMENTS ON CAMBODIA AND THE 1962 AGREEMENTS ON LAOS AND SHALL RESPECT THE CAMBODIAN AND LAO PEOPLES' FUNDAMENTAL NATIONAL RIGHTS AS RECOGNIZED THEREIN, I.E. THE INDEPENDENCE, SOVEREIGNTY, UNITY AND TERRITORIAL INTEGRITY OF THESE COUNTRIES. THEY SHALL RESPECT THE NEUTRALITY OF CAMBODIA AND LAOS.

THE PARTIES PARTICIPATING IN THE PARIS CONFERENCE ON VIETNAM UNDERTAKE TO REFRAIN FROM USING THE TERRITORY OF CAMBODIA AND THE TERRITORY OF LAOS TO ENCROACH ON THE SOVEREIGNTY AND SECURITY OF ONE ANOTHER AND OF OTHER COUNTRIES."

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-- IN ARTICLE 20 (D) (FORMERLY 15 (D)), THE WORD "THREE" IS DROPPED FROM THE PHRASE "THREE INDOCHINESE COUNTRIES".

-- IN ARTICLE 23 (FORMERLY ARTICLE 19), THE LAST SENTENCE, ABOUT A FRENCH TEXT, IS NOW DELETED.

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